

### **REMARKS**

This is submitted in response to the Official Action dated August 8, 2007 (the "Action"). In the Action, the Examiner required a restriction for:

Group I. Claims 1-26, drawn to a method for assessing carotenoids in the retina and/or macula, classified in class 600, subclass 476.

Group II. Claims 27-48, drawn to a system for assessment of macular and/or retinal carotenoids, classified in class 600, subclass 476.

Group III. Claim 49, drawn to a method for assessing carotenoids in a tissue of interest, classified in class 600, subclass 476.

Group IV. Claim 50, drawn to a method for assessing retinoids in the macula and/or retina, classified in class 600, subclass 476.

Applicant hereby provisionally elects with traverse the following:

Group I, Claims 1-26, drawn to a method for assessing carotenoids in the retina and/or macula, classified in class 600, subclass 476.

Applicant respectfully requests that the system claims of Group II (Claim 27-48) be maintained in this application with the Group I claims as they share special technical features such that searching and examining these claims will not cause an undue hardship on the Examiner. As stated at MPEP 803 Restriction – When Proper ... "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."


Claims 49-50 have been withdrawn as being drawn to a non-elected invention.

Substantive examination on the merits is respectfully requested.

If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

In re: Lambert, et al.  
Application No.: 10/773,099  
Filed: February 5, 2004  
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Respectfully submitted,

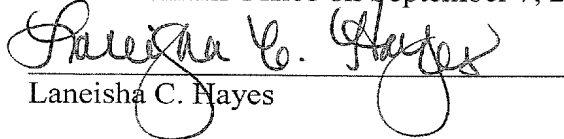


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CERTIFICATION OF TRANSMISSION  
UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on September 7, 2007.



Laneisha C. Hayes